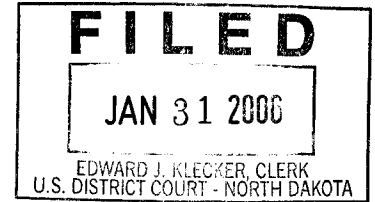


PS 8  
(12/2004)

**United States District Court  
For The  
District of North Dakota**



**Petition for Action on Conditions of Pretrial Release**

United States of America

)

)

vs.

)

Docket No.: C4-05-103-01

)

Rising Sun Irwin

)

COMES NOW, Tim Howard, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Rising Sun Irwin, who was placed under pretrial release supervision by the Honorable Charles S. Miller Jr., sitting in the Court at Minot, North Dakota, on January 4, 2006, under the following conditions:

1. The defendant shall not commit any offense in violation of federal, state, tribal, or local law while on release in this case.
2. The defendant shall keep his attorney and the Clerk of U.S. District Court, P.O. Box 1193, Bismarck, ND 58502, advised of any change in his address or telephone number prior to any change. The Clerk's telephone number is (701) 530-2300.
3. The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear as notified.
4. The defendant's release is subject to the following additional conditions:
  - a. Defendant shall report to the Pretrial Services Office at such times and in such manner as designated by that Office.
  - b. Defendant shall refrain from any use of alcohol, and any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed practitioner, and submit to drug screening to verify compliance.
  - c. Defendant shall undergo a substance abuse evaluation if required by the Pretrial Services Officer and comply with resulting treatment recommendations.
  - d. The Pretrial Services Office, while providing pretrial services to the defendant, is authorized pursuant to 18 U.S.C. § § 3154 (4) and (11), to contract for services required as a condition of defendant's bond which may include cost of the defendant's chemical evaluation and in/outpatient substance abuse treatment.
  - e. Defendant shall abide by curfew restrictions as directed by the supervising Pretrial Services Officer.

Irwin, Rising Sun  
PS8  
Dkt # C4-05-103-01

- f. Defendant shall not knowingly or intentionally have any direct or indirect contact with the alleged victim in this matter, a juvenile, except that counsel for the defendant, or counsel's agent or authorized representative, shall have such contact with alleged victim as is necessary in the furtherance of defendant's legal defense.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

1. On January 22, 2006, the defendant was arrested and charged with Under Age Consumption and Minor in Possession of Alcohol, in violation of standard condition of release number 1, and additional condition of release number 4 (b). Fort Berthold Tribal Officers also served a tribal court warrant issued on November 5, 2005, for Failure to Appear at Pretrial Hearing, related to prior charges of Fleeing, Resisting Arrest, Simple Assault and Prohibited Weapon. On January 27, 2006, the defendant pled guilty to all charges listed above, and was ordered to serve a total of 17 days in jail and pay numerous fines and administrative fees.

**PRAYING THAT THE COURT WILL ORDER:** An arrest warrant so that the defendant can be apprehended and brought before the Court to answer for these alleged violations of his release.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully,



Tim Howard  
U.S. Pretrial Services Officer

1-30-06

DATE

**ORDER OF THE COURT**

Consider and ordered this 3/1 day of January, 2006, and ordered filed and made a part of the records in the above case.



Charles S. Miller Jr., Magistrate Judge  
U.S. District Court